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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,401	03/31/2004	Uttam K. Sengupta	42P19078	9605
8791	7590	09/06/2006	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			RAMPURIA, SHARAD K	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,401

Applicant(s)

SENGUPTA ET AL.

Examiner

Sharad Rampuria

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Continued Examination Under 37 CFR 1.114

II. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/25/2006 has been entered.

The current office-action is in response to the amendments/remarks filed on 08/25/2006.

Accordingly, Claims 1-46 are pending for further examination as follows:

Claim Rejections - 35 USC § 103

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leifer [US 6681109] in view of Lovegreen et al. [US 20050080675].

As per claims 1, 19, Leifer teaches:

A method (Abstract) comprising:

Receiving customer information corresponding to a customer-provided wireless device (i.e. paging device; 20; Fig.1, Col.3; 59-67) from a party including one or more customers requesting services from a service establishment that provides services to customers within the service establishment; (i.e. the central station can selectively send signals to one or more of the paging devices in response to received service request criteria from the customer keypads; Col.4; 16-26)

Providing, to a wireless service provider that provides wireless services to the device corresponding to one of the one or more customers, the service availability information. (i.e. the code will be transmitted to central station which will send the particular request to the server pager to instruct them to fulfill the request by bringing a particular item or service requested to the customer location from which the request originated; Col.4; 58-67, Col.2; 36-49, Col.5; 38-58)

Leifer fails to teach generating service availability information corresponding to at least an estimated time until the requested service is available in response to receiving the customer information. However, Lovegreen teaches in an analogous art, that generating service availability information corresponding to at least an estimated time until the requested service are available in response to receiving the customer information. (e.g. obtaining the waiting time; Pg.4; 0033-0035) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Leifer including generating service availability information corresponding to at least an estimated time until the requested service are available in response to receiving the customer information in order to provide a system and method for adding a customer's name to a waiting list at a selected restaurant.

As per claims 2, 20, Leifer teaches:

The method of claim 1 wherein the wireless device comprises one of: a cellular telephone, a pager, a personal digital assistant (PDA), a portable computer, a global positioning system (GPS) device, a watch, and a wireless electronic mail device. (i.e. paging device; 20; Fig.1, Col.3; 59-67)

As per claims 3, 23, Leifer teaches:

The method of claim 1 wherein the service establishment comprises one of: a restaurant, a hair salon, an automobile service facility, an amusement park attraction, a spa, a bar, a club, a golf course and a bowling facility. (i.e. a restaurant; Col.2; 21-35)

As per claims 4, 24, Leifer teaches:

The method of claim 1 wherein the customer information comprises one or more of: a number of people in the party, a service preference and a wireless identifier. (i.e. uniquely addressable device; Col.4; 16-31)

As per claims 5, 25, Leifer teaches:

The method of claim 4 wherein the wireless identifier comprises one of: a cellular telephone number, a pager number, a wireless device network address, a user identifier, a group identifier. (i.e. uniquely addressable device; Col.4; 16-31)

As per claims 6, 12, 18, 26, 36, 45 Leifer teaches all the particulars of the claim except the service availability information comprises one or more of: an estimated wait time, a distance between the service establishment and the wireless device, a service status, a location of the service establishment and a location of the wireless device. However, Lovegreen teaches in an analogous art, that the method of claims 1, 7, 13, 19; 29, 39 respectively wherein the service availability information comprises one or more of: an estimated wait time, a distance between the service establishment and the wireless device, a service status, a location of the service establishment and a location of the wireless device. (e.g. obtaining the waiting time; Pg.4; 0033-0035)

As per claims 9, 33, Leifer teaches:

The article of claims 7, 29, respectively wherein the service establishment comprises one of: a restaurant, a hair salon, an automobile service facility, an amusement park attraction, a spa, a bar, a club, a golf course and a bowling facility. (i.e. a restaurant; Col.2; 21-35)

As per claims 10, 34, Leifer teaches:

The article of claims 7, 29, respectively wherein the customer information comprises one or more of: a number of people in the party, a service preference and a wireless identifier. (i.e. uniquely addressable device; Col.4; 16-31)

As per claims 11, 35, Leifer teaches:

The article of claims 10, 33, respectively wherein the wireless identifier comprises one of: a cellular telephone number, a pager number, a wireless device network address. (i.e. uniquely addressable device; Col.4; 16-31)

As per claim 14, Leifer teaches:

The system of claim 13 wherein the wireless device comprises one of: a cellular telephone, a pager, a personal digital assistant (PDA), a portable computer, a global positioning system (GPS) device, a watch, and a wireless electronic mail device. (i.e. paging device; 20; Fig.1, Col.3; 59-67)

As per claim 15, Leifer teaches:

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The system of claim 13 wherein the service establishment comprises one of: a restaurant, a hair salon, an automobile service facility, an amusement park attraction, a spa, a bar, a club, a golf course and a bowling facility. (i.e. a restaurant; Col.2; 21-35)

As per claim 16, Leifer teaches:

The system of claim 13 wherein the customer information comprises one or more of: a number of people in the party, a service preference and a wireless identifier. (i.e. uniquely addressable device; Col.4; 16-31)

As per claim 17, Leifer teaches:

The system of claim 16 wherein the wireless identifier comprises one of: a cellular telephone number, a pager number, a wireless device network address. (i.e. uniquely addressable device; Col.4; 16-31)

As per claims 21, 31, 27, 37, 41, 46 Leifer teaches all the particulars of the claim except tracking a location of the wireless device; determining a travel distance between the wireless device and the service establishment; determining a time of travel corresponding to the distance between the wireless device and the service establishment; comparing the time of travel with an estimated wait time from the service availability information; and transmitting an alert message to the wireless device with the time of travel is within a pre-selected range of the estimated wait time. However, Lovegreen teaches in an analogous art, that the method of claims 19, 29, 39, respectively further comprising: tracking a location of the wireless device; determining a travel

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distance between the wireless device and the service establishment; determining a time of travel corresponding to the distance between the wireless device and the service establishment; comparing the time of travel with an estimated wait time from the service availability information; and transmitting an alert message to the wireless device with the time of travel is within a pre-selected range of the estimated wait time. (e.g. obtaining the waiting time or direction for traveling to the restaurant; Pg.4; 0033-0035)

As per claims 22, 28, 32, 38 Leifer teaches all the particulars of the claim except determining a time of travel corresponding to the distance between the wireless device and the service establishment comprises using an indication of traffic conditions and distance of travel to determine the time of travel. However, Lovegreen teaches in an analogous art, that the method of claims 21, 27, 31, respectively wherein determining a time of travel corresponding to the distance between the wireless device and the service establishment comprises using an indication of traffic conditions and distance of travel to determine the time of travel. (e.g. obtaining the waiting time or direction for traveling to the restaurant; Pg.4; 0033-0035)

As per claim 40, Leifer teaches:

The system of claim 39 wherein the wireless device comprises one of: a cellular telephone, a pager, a personal digital assistant (PDA), a portable computer, a global positioning system (GPS) device, a watch, and a wireless electronic mail device. (i.e. paging device; 20; Fig.1, Col.3; 59-67)

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As per claim 42, Leifer teaches:

The system of claim 39 wherein the service establishment comprises one of: a restaurant, a hair salon, an automobile service facility, an amusement park attraction, a spa, a bar, a club, a golf course and a bowling facility. (i.e. a restaurant; Col.2; 21-35)

As per claim 43, Leifer teaches:

The system of claim 39 wherein the customer information comprises one or more of: a number of people in the party, a service preference and a wireless identifier. (i.e. uniquely addressable device; Col.4; 16-31)

As per claim 44, Leifer teaches:

The system of claim 39 wherein the wireless identifier comprises one of: a cellular telephone number, a pager number, a wireless device network address. (i.e. uniquely addressable device; Col.4; 16-31)

Claims 7, 13, 29, 39, are the system, computer readable medium claims corresponding to method claim 1 respectively, and rejected under the same rationale set forth in connection with the rejection of claim 1 respectively, above.

Response to Amendments & Arguments

IV. Applicant's arguments with respect to claims 1-46 has been fully considered but is moot in view of the new ground(s) of rejection.

Conclusion

V. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.



Sharad Rampuria
Patent Examiner
Art Unit 2617